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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,918	10/08/2003	Scott S. Firestone	062891.1122	7590

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/680,918

Applicant(s)

FIRESTONE ET AL.

Examiner

Melur Ramakrishnaiah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12-1-2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 11-18, 19-26, 27-34, are rejected under 35 U.S.C 102(b) as being anticipated by Smith et al. (US PAT: 6,128,649, hereinafter Smith).

Regarding claim 1, Smith discloses an apparatus for executing a video conference, comprising: an audio mixer operable to receive one or more audio streams associated with video conference from one or more end points and to determine active speaker associated with one of the end points (fig. 5, col. 8 lines 12-22), one or more media switches in (12, fig. 20, col. 27 lines 11-30, col. 6 lines 63-67, col. 7 lines 1-3) operable to receive audio information associated with the active speaker, wherein one or more of audio switches are operable to suppress one or more video streams except for a selected video stream associated with the active speaker, the selected video stream propagating to one or more media switches during the video conference, and wherein a selected one of the media switches is operable to replicate the selected video stream such that it may be communicated to one or more end points associated with the selected media switch (col. 18 lines 36-39, col. 19 lines 3-21).

Regarding claims 11, 19 and 27, Smith discloses the following: receiving one or more audio streams associated with a video conference from one or more points (fig. 20), determining the active speaker with one of the end points, receiving audio

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information associated with the active speaker at one or more audio switches in (12, fig. 20, col. 6 lines 63-67, col. 7 lines 1-3), suppressing one or more video streams except for a selected video stream associated with the active speaker, the selected video stream propagating to one or more of the media switches during the video conference, replicating the selected video stream such that it may be communicated to one or more of the end points associated with a selected one of the media switches (col. 18 lines 36-39, col. 19 lines 3-21, fig. 4, col. 6 lines 49-62).

Regarding claims 2-8, 12-18, 20-26, 28-34, Smith further teaches the following: selected video stream propagates to one or more media switches during video conference using a multicast protocol (col. 6 lines 66-67, col. 7 lines 1-3), performing selected one of a multicast and a unicast operation (reads on receiving lecture, col. 19 lines 9-12) between the selected media switch and the end points associated with the selected media switch (col. 6 lines 66-67, col. 7 lines 1-3), selected media switch is operable to enable a selected one of the end points associated with the video conference to lock on to a participant of the video conference, the selected end point propagating a fixed video (FV) stream associated with the video conference, a selected media switch is operable to control whether a selected one of the end points receives an FV stream, a switched video (SV) stream, or any combination thereof (col. 18 lines 34-39, col. 19 lines 23-45), selected one of the endpoints does not receive an SV stream based on the active speaker, and wherein the selected one of the media switches is operable to enable a selected one of the end points to receive only the SV stream based on a selected whiteboard control feature (col. 19 lines 47-60), selected

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one of the media switches is operable to enable a moderator (reads on chairperson) of the conference to control a video source such that a selected one of the endpoints receive a selected video stream as determined by the moderator (col. 19 lines 62-67), a media bridge is operable to provide one or more media services for the video conference such that one or more of the media services are delivered to one or more of the endpoints (col. 6 lines 63-67, col. 7 lines 1-3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Feder et al. (US PAT: 6,300,973 B1, hereinafter Feder).

Regarding claim 9, Smith does not explicitly teach the following: media bridge includes a selected one or more of a media transformer, transcoder, and transrater.

However, Feder discloses method and system for multimedia communication control which teaches the following: media bridge includes a selected one or more of a media transformer, transcoder, and transrater (fig. 6 col. 8 lines 38-43).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Smith's system to provide for the following: media bridge includes a selected one or more of a media transformer, transcoder, and transrater as

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this arrangement would facilitate performing translation operation to accommodate different kinds end points in video conference as taught by Feder (col. 2 lines 15-21).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Tucker et al. (US PAT: 6,590,604, hereinafter Tucker).

Regarding claim 10, Smith does not teach the following: a gateway operable to provide connectivity to one or more media switches, one or more media switches being operable to facilitate participation in the video conference by the first and second end points.

However, Tucker discloses a personal videoconferencing system which teaches the following: a gateway (708/716, fig. 7) operable to provide connectivity to one or more media switches, one or more media switches being operable to facilitate participation in the video conference by the first and second end points (fig. 7 col. 9 lines 40-63).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Smith's system to provide for the following: a gateway operable to provide connectivity to one or more media switches, one or more media switches being operable to facilitate participation in the video conference by the first and second end points as this arrangement would facilitate videoconferencing different kind of end points such as H.320 and H.323 end point as taught by Tucker.

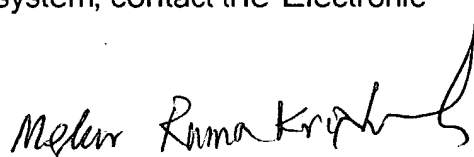
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is

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(703) 305-1461. The examiner can normally be reached on M-F 6:30-4:00; every other F Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melur Ramakrishnaiah
Primary Examiner
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